# Table of Contents

**IAB CASE NO. SH2315102**

**MISCELLANEOUS DOCUMENTS**

- Force Shooting Admonition
- Day Shift In-service, Century Station, June 24, 2012

# Los Angeles County Sheriff's Department
# Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 06/24/12 | Century Station / Central Patrol Division | [ ] | [x] |

## Incident Information

| URN: 012-09183-2117-013 | Date: 06/24/12 | Time: 1234 |
|---|---|---|
| City or Station: Century Station | Nature of Incident: Suspect Serna was shot by Deputy Venegas after Serna had fired at Venegas and a private security officer. | |
| Location: 2100 North Long Beach Boulevard, Compton | | |

**Location Type (*check one or more*):**
- [ ] Backyard
- [ ] Beach
- [x] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [x] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

**Lighting (*check only one*):**
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

**Weather (*circle only one*):**
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance:

**Incident Type (*check one or more*):**
- [ ] Accidental
- [x] Armed Person
- [x] Fleeing Suspect
- [x] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [x] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

**Initiated by (*check only one*):**
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [ ] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

**Prior Activity (*check only one*):**
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect | Aero Unit? | Canine Unit? |
|---|---|---|---|
| 6 | 8 | [x] | [ ] |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*check only one*) | ShiftType (*check only one*) |
|---|---|---|---|---|---|
| | | | | [ ] EM [ ] PM [ ] Day | [ ] Regular [ ] Overtime [ ] Off Duty |
| | | | | [ ] EM [ ] PM [ ] Day | [ ] Regular [ ] Overtime [ ] Off Duty |
| | | | | [ ] EM [ ] PM [ ] Day | [ ] Regular [ ] Overtime [ ] Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | M.I. | | | |
|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | |
| **Last Name** | **First Name** | **M.I.** | | | |
| [redacted] | [redacted] | [redacted] | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| [redacted] | [redacted] | [redacted] | [redacted] | [redacted] | |
| **Last Name** | **First Name** | **M.I.** | | | |
| | | | | | |
| **Street Address** | **City** | **Zip Code** | **Work Ph** | **Home Ph** | |
| | | | | | |

## Supervisors

| Employee # | Last Name | First Name | M.I. | (*check one or more*) |
|---|---|---|---|---|
| [redacted] | Ovalle | Jose | M. | [x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting |
| | | | | [ ] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Quintero | Marcelo | |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Nathan | Daniel | A. |

**PSTD Use Only**

SH # 2315102

SH-R-438A (rev. 04/18/13)

See Reverse

# Officer Involved Shooting

URN: 012-09183-2117-013



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 06/24/12 | 1501 | 12/30/14 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Allen | Victor | M. |
| [redacted] | Reyes | Mark | A. |
| [redacted] | Libertone | Patrick | L. |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S#1 | E#1 | PH | | | | | NN | FA |
| S#1 | E#1 | FH | CO | 45 | | | | |
| | | | | | | | | |
| E#1 | S#1 | FH | BR | 9 | Y | Y | GS | HE |
| E#1 | S#1 | FH | BR | 9 | Y | Y | GS | AR |
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# Officer Involved Shooting
# Involved Employee Information

URN: 012-09183-2117-013



## Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Venegas | First Name: Lucio | M.I.: --- |
| Sex: M Race: H | Rank: DSG | Unit Assignment: Century | Work Assignment (Unit #, Module, etc.): 212T4 |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☑ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: --- |
| Hospital Admission? ☐ | Hospital Name: --- | Coroner Case? ☐ | Coroner Case # --- / Interviewed? ☑ |
| Hrs of sleep prior to shooting: 7-8 hours | Duty Time (hrs): [redacted] | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: --- |
| Age: [redacted] Height: 510 | Weight: 210 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: ☐ |
| Weapons Fired Brand: Beretta | Caliber: 9mm / # Shots: 6 | Weapons Fired Brand: --- | Caliber: --- / # Shots: --- |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # --- | Last Name --- | First Name --- | M.I. |

**E__**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: |
| Age: Height: | Weight: | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: / # Shots: | Weapons Fired Brand: | Caliber: / # Shots: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

**E__**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: |
| Age: Height: | Weight: | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: / # Shots: | Weapons Fired Brand: | Caliber: / # Shots: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |



See Other Side

# Officer Involved Shooting
# Suspect Information

URN: 012-09183-2117-013



## Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: Serna | | First Name: Juan | M.I.: L. |
| **AKA** Last Name: Serano | | First Name: John | M.I.: L. |
| Sex: M Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 30 D.O.B. 02/08/82 | Height: 506 Weight: 170 | FBI # [redacted] | CII # [redacted] |
| Booking # --- | Primary Charge: 664/187 P.C. | Secondary Charge: 29800(a)(1) P.C. | |
| Coroner Case? ☑ | Coroner Case # 2012-04213 | Intoxication/Drug Usage? ☑ | Substance Used: Methamphetamine |
| Armed? ☑ | Apprehended? ☑ | Mental Illness? ☐ | Criminal History? ☑ |
| Vehicle Make | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| **AKA** Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| **AKA** Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| **AKA** Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |



See Other Side

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## INVESTIGATIVE SUMMARY

**INCIDENT:** **On Duty Hit Shooting**

**IAB FILE NUMBER(S):** **SH2315102**

**URN#:** **012-09183-2117-013**

**DATE /TIME:** **June 24, 2012 / 1234 Hours**

**LOCATION:** **2100 North Long Beach Boulevard, Compton**

**INVOLVED PERSONEL:** **Lucio Venegas #[redacted]**
**Deputy Sheriff**
**Century Station / Central Patrol Division**

**SUSPECT:** **Juan Luis Serna MH/30**

**Opening Statement**

On Sunday, June 24, 2012, Deputy Lucio Venegas, assigned to Century Sheriff Station, along with private security guard [redacted] fired at Suspect Juan Serna after he shot at them. Suspect Serna sustained three gunshot wounds in the exchange of gunfire and died as a result of his injuries.

Lieutenant Patrick Libertone along with Sergeants Victor Allen and Mark Reyes of the Los Angeles County Sheriff Department's Internal Affairs Bureau responded to the scene. Lieutenant Libertone notified Attorney Julie Ruhlin of the Office of Independent Review who also responded to the scene.

**Synopsis**

On Sunday, June 24, 2012, Deputy Lucio Venegas #[redacted] was working a single man patrol car in Unit 212T4 out of Century Sheriff Station. His primary patrol area was in the city of Lynwood. As he drove west on Orchard Avenue approaching Long Beach Boulevard, he observed a male Hispanic adult walking north on the east sidewalk of Long Beach Boulevard. The male, who was subsequently identified as Juan Serna, walked into the number two lane of traffic for northbound Long Beach Boulevard around a white vehicle that was stopped west on Orchard Avenue.

Deputy Venegas contacted Suspect Serna to warn or issue him a citation for a pedestrian walking outside a crosswalk. Deputy Venegas made contact with Suspect Serna and spoke to him through the open window of his radio car. Suspect Serna approached the window of the radio car and leaned inside. Deputy Venegas drew his weapon and held it along his thigh. He directed Suspect Serna to place his hand on the hood of his radio car and he complied.

Deputy Venegas proceeded to exit his radio car and make contact with Suspect Serna. Suspect Serna was looking around and raising his hands off the radio car as though he was looking for an avenue of escape. Deputy Venegas proceeded to place Suspect Serna into handcuffs in an effort to control him. As he placed a handcuff on Suspect Serna's wrist, Suspect Serna quickly pulled away knocking Deputy Venegas' radio microphone off his shirt. Suspect Serna ran south on Long Beach Boulevard with Deputy Venegas running after him. As they ran east on Orchard Avenue, Deputy Venegas saw that Suspect Serna was armed with a gun. Once he regained control of his microphone, Deputy Venegas advised he was in foot pursuit over the radio.

Suspect Serna proceeded to run into the Compton Fashion Center. Deputy Venegas followed him inside. Inside the center, Deputy Venegas saw a security guard (Witness [redacted] and asked him to assist him. They followed Suspect Serna through the center and out the east facing doors. Suspect Serna tripped over a speed bump as he ran through the parking lot. As he was falling to the ground, Suspect Serna turned in the direction of Deputy Venegas and Witness [redacted] He began to fire several rounds from his .45 caliber handgun in their direction. Deputy Venegas and Witness [redacted] feared for their lives and they returned fire.

Suspect Serna was struck three times by the gun fire from Deputy Venegas and Witness [redacted] He fell to ground still holding the weapon. Seeing that Suspect Serna was not responsive, Deputy Venegas held him at gunpoint while directing Witness [redacted] to remove Suspect Serna's weapon. Once the weapon was secured, they held him at gunpoint until assisting deputies arrived at the scene.

Suspect Serna was treated at the scene by paramedics from the Los Angeles County Fire Department, engine 147. He was transported to Long Beach Memorial Hospital for further treatment. He was pronounced dead on June 25, 2012 at 1052 hours.

The criminal investigation was handled by Detectives Steve Blagg and Louie Aguilera of the Los Angeles County Sheriff's Department Homicide Bureau. Their investigation was documented in the Homicide book in **Exhibit A**.

## District Attorney's Letter of Opinion

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Juan Serna by Deputy Lucio Venegas. In their Letter of Opinion (**Exhibit B**), dated June 11, 2014, Deputy District Attorney Sandi Roth concluded Deputy Venegas acted lawfully in self-defense and defense of another.

## Involved Personnel

Lucio Venegas #[redacted]
Deputy Sheriff
Century Station / Central Patrol Division

## Work History

Date of Employment: 06/26/2001
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Date Assigned to Station: 12/16/2007
Prior Shooting Incident(s): [redacted]
Prior Founded Force:

## Less-Lethal Equipment

Oleoresin Capsicum (OC) Spray
Expandable Asp

## Suspects

Juan Luis Serna MH/30
DOB: 02/08/1982
Coroner's Case #2012-04213

## Injuries

Deputy Venegas was not injured.

Suspect Serna sustained three (3) gunshot wounds. One wound to the head (C-1), one round to the left arm (C-2) and one round to the right buttock (C-3). Refer to pages 60-61 of the Homicide Case Book in **Exhibit A**.

> **IAB Note:** The three rounds removed from Suspect Serna were examined by Deputy Ivan Chavez of the Los Angeles County Sheriff Department crime Lab. He determined that the fatal round (C-1) was fired by the Smith and Wesson handgun. Refer to the bullet comparison report in **Exhibit J.**

## Physical Evidence

All the physical evidence was located and collected by Homicide Investigators, Detectives Ronald Duval #[redacted] and Frank Salerno #[redacted] They were assisted by Forensic Identification Specialists Michelle Acevedo #[redacted] and Firearms Examiner Ivan Chavez #[redacted] of Scientific Services Bureau. The evidence description and the

locations of where it was found are contained on pages 11-20 and 157-160 of **Exhibit A**.

## Investigators Observations

The scene was described in detail by Homicide Investigators Detectives Duval and Salerno **(refer to pages 11-28 of Exhibit A)**. Their description of the scene is consistent with IAB Investigator's observations.

The scene was also photographed by Forensic Identification Specialist Acevedo of Scientific Services Bureau. Refer to the photographs contained on the compact disc **Exhibit C** to review the photographs of the scene.

The scene was documented in a sketch produced by Forensic Identification Specialist II David Ozeta #[redacted] of Scientific Services Bureau **(refer to the sketch and legend on pages 151-154 of Exhibit A)**.

## Weapon used by Deputy Venegas

**Deputy Venegas** fired six (6) rounds of Department authorized WIN 9mm Luger ammunition from his Department issued Beretta 92F semiautomatic handgun. The weapon was examined by Scientific Services Bureau's Firearms Identifications Section and determined to be functional **(refer to pages 163-164 of Exhibit A)**.

Six (6) expended cartridge casings with the head stamp "WIN 9mm Luger" were recovered at the scene **(refer to evidence items 7, 8, 10, 14, 15 and 16 on pages 12-14 of Exhibit A)** and one (1) bullet fragment (C-3) was recovered from the body of Suspect Serna **(refer to page 61 of Exhibit A)**.

Date last qualified:
Date last trained with weapon: [redacted]

## Weapon used by Witness [redacted]

**Witness** [redacted] estimated he fired approximately five to seven rounds from his Smith and Wesson 9mm semiautomatic handgun at Suspect Serna. The weapon was examined by Scientific Services Bureau's Firearms Identifications Section and determined to be functional **(refer to page 163 of Exhibit A)**.

Witness [redacted] did not carry his weapon filled to capacity nor did he know how many rounds were in the weapon before the shooting. Found at the scene were three (3) 9mm cartridge casing with head stamp "PMC 9mm Luger," which were consistent with the ammunition found in Witness [redacted]s weapon **(refer to evidence items 11, 12, and 13 on pages 13-14 of Exhibit A)**.

## Weapon used by Suspect Serna

**Suspect Serna** fired eight (8) rounds from a Colt .45 caliber semiautomatic pistol. The weapon was examined by Scientific Services Bureau's Firearms Identifications Section and determined to be functional **(refer to page 162 of Exhibit A)**.

Eight (8) expended casings with the head stamp of PMC 45 Auto were recovered at the scene **(refer to evidence items 17, 19, 20, 21, 23, 24, 26 and 28 on pages 14-17 of Exhibit A)**.

One empty seven round capacity magazine was found seated in the Colt pistol **(evidence item 25, page 16 of Exhibit A)**.

Two magazines filled to capacity (seven (7) rounds) containing .45 caliber ammunition with the head stamp PMC 45 Auto were found at the scene **(evidence items 18 and 22, page 14-15 of Exhibit A)**.

## Property Damage

The property damage consisted of bullet impacts to various parts of the exterior wall on the east side of the Compton Fashion Center and to a 2011 Toyota Camry (California license [redacted]) that was parked in the parking lot. The damage is described in detail on pages 18-20 and 157-158 of **Exhibit A** (evidence items B – I).

## Criminal Investigator

Detectives Louie Aguilera #[redacted] and Steven Blagg #[redacted] of the Los Angeles County Sheriff's Department Homicide Bureau conducted the criminal investigation.

## Lighting and Weather Conditions

The shooting occurred during daylight and the weather was clear with sunshine.

## Witness Interviews

[redacted]

On June 24, 2014, Witness [redacted] was interviewed by Los Angeles County Sheriff Homicide Detectives Louie Aguilera and Steve Blagg. Present in the interview were Deputy District Attorney Jason Lustig, Senior Investigators [redacted] and [redacted] from the Justice System Integrity Division of the District Attorney's Office, and Sergeants Victor Allen and Mark Reyes from Internal Affairs Bureau. The interview was audio recorded and transcribed. Witness [redacted] interview was summarized on pages 3-4 of **Exhibit A**. The following is a brief summary of his statement. Witness [redacted] said he was working as a security guard for Command Center Security assigned to the Compton Fashion Center. He was checking the doors on the east side

of the center, when he heard Witness [redacted] advise over the radio a deputy needed help. He responded to the east doors by the jewelry department believing the problem was in that area. As he approached the doors he saw Suspect Serna running out the doors carrying a gun. He advised Witness [redacted] that Suspect Serna was armed. He saw Witness [redacted] run out the door chasing Suspect Serna with Deputy Venegas behind him. Suspect Serna fell to the ground as he was running then turned and began firing his gun at Witness [redacted] Both Witness [redacted] and Deputy Venegas returned fire.

[redacted]

On June 24, 2014, Witness [redacted] was interviewed by Los Angeles County Sheriff Homicide Detectives Louie Aguilera and Steve Blagg. Present in the interview were Deputy District Attorney Jason Lustig, Senior Investigators [redacted] and [redacted] from the Justice System Integrity Division of the District Attorney's Office, and Sergeants Victor Allen and Mark Reyes from Internal Affairs Bureau. The interview was audio recorded and transcribed. Witness [redacted]s interview was summarized on pages 4-5 of **Exhibit A**. The following is a brief summary of his statement.

Witness [redacted] said he was working as an armed security guard for Command Center Security assigned to the Compton Fashion Center. He was eating his lunch when Suspect Serna entered through the north doors of the center. His attention was drawn to Suspect Serna when he heard the handcuffs hitting the door. As he turned back around, he saw Deputy Venegas running after Suspect Serna. Deputy Venegas told him to stop Suspect Serna.

Witness [redacted] said he chased Suspect Serna out of the center. He was ahead of Deputy Venegas. As Suspect Serna ran into the parking lot, he stumbled over a speed bump and was falling to the ground. Witness [redacted] said he gave Suspect Serna an order to get on the ground, but he turned toward them and began shooting a gun. Witness [redacted] said he was in fear for his life. He moved to cover, drew his weapon and returned fire. He said he fired three to four rounds and Suspect Serna had fired five to six rounds. He heard Deputy Venegas fire his weapon, but he did not know how many rounds he fired.

Witness [redacted] said Suspect Serna's gun was now locked in an open position. He saw two additional magazines on the ground near Suspect Serna. Suspect Serna was lying on his back. He approached Suspect Serna along with Deputy Venegas. They both were holding him at gunpoint. At the direction of Deputy Venegas, he removed the gun from Suspect Serna. Suspect Serna was subsequently placed in handcuffs by responding deputies.

## IAB Interviews

### Deputy Lucio Venegas

On September 17, 2014, Internal Affairs Bureau Sergeants Victor Allen and Eric Barron Interviewed Deputy Lucio Venegas at Internal Affairs Bureau. During the interview, Attorney Amanda Waters of Green and Shinee represented Deputy Venegas. The interview was audio recorded and transcribed. The following is a summary of the interview. For a detailed account of the interview, refer to the audio recording or transcript that are included in this case.

> **IAB Note:** on June 24, 2012, Homicide Detectives Louie Aguilera and Steve Blagg interviewed Deputy Venegas at Century Sheriff Station. The interview was audio recorded and transcribed. This interview was summarized on pages five and six of **Exhibit A**. Deputy Venegas reviewed the transcript prior to his IAB interview and confirmed it was an accurate account of what occurred, except he recalled placing the handcuffed on the suspect's right hand and not the left as indicated on page two of the transcript. This transcript was also utilized in the following summary.

Deputy Venegas said he was driving west on Orchard Avenue approaching Long Beach Boulevard. Walking north on the east sidewalk of Long Beach Boulevard was a male Hispanic adult (Suspect Serna). Deputy Venegas observed Suspect Serna look in his direction and he appeared to be startled and quickly looked away. Deputy Venegas came to a stop behind a white vehicle that was stopped west on Orchard Avenue at Long Beach Boulevard. The white vehicle proceeded to make a right turn onto Long Beach Boulevard, but hesitated and came to a stop past the limit line before completing the turn. Suspect Serna proceeded to walk past the white vehicle entering the lane of travel of the number two lane of Long beach Boulevard.

After the white vehicle made the right turn, Deputy Venegas said he proceeded to make a right onto Long Beach Boulevard. He made contact with Suspect Serna who was now walking on the east sidewalk to warn or issue him a citation for being a pedestrian outside of the crosswalk. Deputy Venegas pulled his radio car over and started a causal conversation with Suspect Serna through the open passenger window of his radio car, while he remained seated in the driver's seat (refer to the photo in **Exhibit D** for Deputy Venegas' car position). He had not activated his overhead lights. At that time, he felt safe utilizing this tactic in contacting Suspect Serna.

Deputy Venegas said he asked Suspect Serna if he was okay. Suspect Serna replied that he was okay and he proceeded to walk toward the radio car. As Suspect Serna approached, Deputy Venegas drew his handgun and held it along his thigh. He was concerned because he had not called him over to his car, he had a bag in his hands, which contained a bottle, and he was wearing baggy clothing. Suspect Serna placed his hands on the window seal of the car and leaned inside. As he spoke to Suspect Serna, Deputy Venegas noticed he was nervous and anxious, which led him to believe he was

possibly under the influence. Deputy Venegas asked Suspect Serna if he had anything illegal on him and he said, "Yes I do." When asked what it was, Suspect Serna did not reply. Deputy Venegas directed Suspect Serna to place his hands on the hood of the radio car, which he complied. After placing his car into park, Deputy Venegas exited his car and walked to the front of the car.

Deputy Venegas said he positioned himself behind Suspect Serna. He noticed Suspect Serna was looking around and moving his hands. He directed Suspect Serna to stop moving his hands and looking around. Deputy Venegas said he holstered his weapon and grabbed hold of Suspect Serna's hands. He felt Suspect Serna become rigid and felt it was best, at that point, to place him into handcuffs. Deputy Venegas had Suspect Serna's fingers interlaced and was applying pressure to control his hands. As he placed a handcuff on the right wrist of Suspect Serna, Suspect Serna quickly jerked his body forward and pulled his hands away. In pulling away, Suspect Serna knocked the radio microphone off Deputy Venegas' shirt, which he secured in the "V" neck area of his shirt.

Deputy Venegas said, at this point, they were back peddling away from each other. Suspect Serna was swinging his arms at him and he quickly turned and ran away. Suspect Serna ran south on Long Beach Boulevard toward Orchard Avenue. Deputy Venegas went in foot pursuit of Suspect Serna who was about five feet away. Refer to the Foot Pursuit Evaluation Form in **Exhibit K**. As he ran, Deputy Venegas was attempting to regain control of his microphone. Suspect Serna ran east on Orchard Avenue with Deputy Venegas following him. Briefly, Deputy Venegas lost sight of Suspect Serna as he went from south on Long Beach Boulevard to east on Orchard Avenue. As Suspect Serna was running on Orchard Avenue, Deputy Venegas saw a gun in the area of his waistband and right front pocket. Suspect Serna had his hand on the gun. Deputy Venegas allowed the distance between them to increase to about fifteen feet. He drew his weapon and ordered Suspect Serna to stop, but he kept running away. While running on Orchard Avenue, Deputy Venegas was able to regain control of his microphone. He requested emergency clearance (10-33) on the radio. The Sheriff Communication Center (SCC) did not acknowledge his initial request. Deputy Venegas made a second request and advised his location, direction and that he was in foot pursuit of a person with a gun. Refer to the radio traffic in **Exhibit E**.

> **IAB Note:** Deputy Venegas marked the photo in **Exhibit F** with the approximate location he made the observation of the gun and where he was able to gain control of his microphone for his radio.

Deputy Venegas said Suspect Serna ran diagonally across Orchard Avenue (southeast) and south down the driveway of an auto repair strip mall. Deputy Venegas was able to maintain sight of Suspect Serna through the wrought iron fence of the strip mall. He continued to follow Suspect Serna to maintain a visual of him to coordinate responding units for a containment. He saw Suspect Serna running into the Compton Fashion Center. Deputy Venegas believed it was his duty to pursue Suspect Serna into the mall.

He wanted to prevent him from possibly taking hostages or injuring the many shoppers who were inside.

Deputy Venegas said Suspect Serna entered the doors leading to the produce market area attached to the center, which caused Deputy Venegas to monetarily lose sight of Suspect Serna. Refer to the photo in **Exhibit G**. Deputy Venegas entered the produce area and made contact with a security guard (Witness [redacted] inside the produce area. He advised Witness [redacted] that Suspect Serna was armed with a gun. He requested Witness [redacted] to assist him. Deputy Venegas said he asked Witness [redacted] to assist because he knew they had armed security guards in the location, he had knowledge of the area and he possessed a radio that would allow them to communicate with the other security officers.

Deputy Venegas said he saw Suspect Serna off in the distance walking back and forth holding a gun. Refer to the photo in **Exhibit H.** He told him to stop, but he took off running south. Suspect Serna was running through various aisles inside the swap meet. He pursued Suspect Serna along with Witness [redacted] Deputy Venegas temporarily lost sight of him again. A patron in the swap meet advised him that Suspect Serna left through the east doors of the swap meet.

> **IAB Note:** A portion of the foot pursuit was captured by video surveillance both inside and outside the center. Refer to the DVD and compact disc in **Exhibit I.**

Deputy Venegas went out the door and saw Suspect Serna running north in the parking lot. Deputy Venegas followed Suspect Serna staying close to the building, while Witness [redacted] moved across the parking lot to the right. He saw Suspect Serna stumble and lose his balance. Suspect Serna fell to his knees and began turning to his right. Deputy Venegas saw the gun in Suspect Serna's right hand. As Suspect Serna was turning in Deputy Venegas' direction, he began firing his weapon. Deputy Venegas believed he or Witness [redacted] were going to be seriously injured or killed. He returned fire at Suspect Serna. Deputy Venegas believed he fired two rounds and Suspect Serna fired four or five rounds.

Deputy Venegas said Suspect Serna was now laying on his back still holding the gun. He held Suspect Serna at gunpoint giving him orders to drop the gun. There was no reaction from Suspect Serna. He saw that the slide to Suspect Serna's gun was locked to the rear and empty. While holding Suspect Serna at gunpoint, he directed Witness [redacted] to retrieve the weapon. He advised on the radio he was just involved in a shooting and held Suspect Serna at gunpoint until assisting deputies arrived.

**Miscellaneous**

IAB Lieutenant Patrick Libertone checked to see that the Watch Commander, Lieutenant Daniel Nathan #[redacted] took reasonable steps to ensure that the involved parties and witnesses did not discuss the incident among themselves or with uninvolved

persons prior to being interviewed by the assigned investigators, as well as the involved parties and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Libertone checked to see if the watch commander attempted to have the involved parties and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.




LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
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JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director


June 11, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #12-0431
LASD File #012-09183-2117-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 24, 2012 fatal shooting of Juan Serna by Los Angeles Sheriff's Department (LASD) Deputy Lucio Venegas. We have concluded that Deputy Venegas acted lawfully in self-defense and defense of another.

The District Attorney's Command Center was notified of the shooting at 2:05 p.m., on June 24, 2012. The District Attorney Response Team (DART), comprised of Deputy District Attorney Jason Lustig, District Attorney Supervising Investigator [redacted] and District Attorney Senior Investigator [redacted], responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, firearms analysis reports, photographic evidence and witness statements submitted to this office by Detectives Louie Aguilera and Steven Blagg, LASD Homicide Bureau. Deputy Venegas' voluntary statement was considered in this analysis.

**FACTUAL ANALYSIS**

On June 24, 2012, at approximately 12:30 p.m., uniformed Deputy Lucio Venegas, assigned to Century Sheriff's Station, was driving a marked patrol vehicle westbound on Orchard Avenue toward Long Beach Boulevard in the City of Compton.[1] As he approached Long Beach Boulevard,

[1] Long Beach Boulevard is a major north/south thoroughfare with two lanes of traffic in each direction and a parking lane along both curb lines. Orchard Avenue is an east/west street that intersects with Long Beach Boulevard and has one lane of travel in each direction. There is a stop sign that controls westbound traffic on Orchard Avenue at Long Beach Boulevard.


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Venegas stopped his patrol vehicle behind a white sedan that was stopped at the stop sign located at the intersection of Orchard Avenue and Long Beach Boulevard. Venegas noticed a male, later identified as Juan Serna, standing on the southeast corner of Long Beach Boulevard and Orchard Avenue wearing baggy clothing and carrying a dark colored bag in his left hand. Serna proceeded to step off the curb, crossing Orchard Avenue. As he was walking northbound across the street, he walked in front of the white sedan that was about to make a right turn onto northbound Long Beach Boulevard. While walking in front of the white sedan that was waiting to turn right, Serna took a wide path and walked outside of the pedestrian crosswalk.[2] The white sedan yielded to Serna and then proceeded with a right turn onto Long Beach Boulevard. Venegas made a right turn from Orchard Avenue onto northbound Long Beach Boulevard and contacted Serna to cite him for walking outside of the pedestrian crosswalk.

Venegas stopped his vehicle in the northbound parking lane of Long Beach Boulevard and called Serna over to the vehicle. Serna approached the passenger side. Venegas ordered Serna to put his dark bag on the hood of the patrol vehicle and place both of his hands on the vehicle.[3] Serna initially complied. Venegas exited his vehicle, walked around the front of the vehicle to where Serna was standing with his hands on the vehicle, and took a position behind him, for the purpose of conducting a pat down search for weapons.[4] When Venegas took hold of Serna's hands, Serna's body immediately became rigid and tense. Venegas retrieved his handcuffs and placed the first cuff on Serna's left wrist. When Venegas tried to place the second cuff on Serna's right wrist, Serna violently and aggressively pulled away from Venegas' grasp, and swung his left elbow backwards striking Venegas' radio microphone located on the front of his uniform shirt. As a result, the microphone fell from the shirt and dangled down at Venegas' side. Serna turned around to face Venegas. At this point, Serna pushed Venegas out of the way, simultaneously punching Venegas' head numerous times.[5] Serna ran southbound on Long Beach Boulevard and eastbound on Orchard Avenue, past several open businesses, toward the Compton Fashion Center located at 2100 N. Long Beach Boulevard.[6] Venegas followed him while trying to regain control of his radio microphone.

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[2] Detectives obtained video footage of the intersection of Long Beach Boulevard and Orchard Avenue from a pole camera situated north of the intersection at the northwest corner of Long Beach Boulevard and Euclid Avenue. The footage is grainy but shows Serna crossing Orchard Avenue and walking in front of the white sedan that appears to be in the process of turning right onto Long Beach Boulevard. It is unclear, due to the grainy quality of the video, whether or not Serna is walking outside of the crosswalk.

[3] This bag, later retrieved by deputies from the hood of the patrol car, was found to contain one unopened 24 oz. bottle of Corona beer and a sales receipt bearing the name "Lynwood Car Wash."

[4] After the OIS, while still at the scene, Venegas told Homicide Detective Retamoza that he ordered Serna not to move, and to keep his hands on the hood. Serna did not comply and continued to move around, and take his hands off the hood. Venegas took a position behind Serna and told him to place his hands behind his back. Venegas intended to conduct a pat down search for weapons for officer safety reasons based on the fact that the area is a high crime area, Serna's unusual and nervous behavior, and Serna's baggy clothing. In a later recorded statement, Venegas told detectives that Serna's behavior was abnormal and it seemed like something was wrong with him. Venegas further stated that he needed to handcuff Serna for Venegas' own safety.

[5] The video shows Serna turning toward Venegas and then a struggle between the two with Serna then running southbound on Long Beach Boulevard.

[6] The Compton Fashion Center is an indoor shopping mall containing numerous vendor booths. It was described by Venegas as "crowded" on this date and time.

As Serna continued to run eastbound on Orchard Avenue, Venegas observed Serna turn back and look at him. At this time, Venegas saw the butt of a firearm protruding from Serna's waistband area. Venegas was able to gain control of his microphone and broadcasted that he was in foot pursuit of an assault with a deadly weapon suspect armed with a gun.

Serna proceeded to run southbound from Orchard Avenue at which time Venegas observed Serna retrieve the firearm from his front waistband area with his right hand. Serna looked back at Venegas, then quickly replaced the firearm in his waistband. Serna ran faster and headed toward the north end of the Compton Fashion Center. Venegas saw Serna again draw his firearm. Venegas drew his firearm and ordered Serna to stop. Serna did not comply. Serna ran into the mall.[7] Venegas, observing numerous people shopping in the mall, contacted an armed security guard, [redacted], who was posted near the mall entrance. Venegas advised [redacted] to notify the other security guards working inside the mall.

Venegas and [redacted] followed Serna into the crowded mall past numerous vendor booths and then through the exit doors located at the north end of the mall. At this time, Venegas and [redacted] were approximately 20 feet behind Serna. When Serna exited the mall doors, he ran northbound through the parking lot and stumbled over a speed bump. Serna fell towards the ground and as he fell, he turned to his right and fired approximately two rounds from his handgun at Venegas and [redacted] Both Venegas and [redacted] then fired their weapons at Serna.[8] Serna then fired approximately four or five additional rounds in succession while he was on the ground.[9] He then fell flat on his back and stopped firing rounds. Venegas approached Serna and told [redacted] to remove the gun from Serna's hand. Assisting units arrived at the scene and handcuffed Serna. Venegas and [redacted] were not injured during the shooting.

Serna was treated at the scene by Los Angeles County Fire Paramedics who noted apparent gunshot wounds to the left parietal occipital region (head), left elbow and right hip. According to hospital records, Serna was speaking and was agitated. Paramedics transported Serna to St. Francis Hospital. Serna ultimately fell into an irreversible coma and was pronounced dead on June 25, 2012 at 10:52 a.m.

An autopsy performed on July 1, 2012 documented three gunshot wounds, including a fatal gunshot wound to the head, situated two inches from the top of the head at the midline in the direction of

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[7] Video surveillance obtained from the Compton Fashion Center shows Serna moving through the mall while holding a dark object in his right hand consistent in size and shape with a handgun.

[8] Venegas' duty weapon is a 9mm Beretta semiautomatic pistol, model 92F. A subsequent examination of the pistol revealed it was loaded with a live round in the chamber and nine rounds in the magazine. Venegas told detectives that he carried his weapon with one live round in the chamber and fifteen live rounds in the magazine. This is consistent with Venegas having fired six shots at Serna. [redacted]s firearm is a Smith & Wesson model SW9VE, 9MM Luger caliber semiautomatic pistol. [redacted] gave his firearm to detectives at the scene. Firearms examiners at the scene received [redacted]s pistol from detectives with one empty magazine and two loose 9mm Luger caliber cartridges. [redacted] told detectives that, in fear for his life, he fired approximately three rounds at Serna. Subsequent forensic analysis revealed that six fired cartridge cases recovered from the scene were fired by Venegas' pistol and three fired cartridge cases recovered from the scene were fired from [redacted]s pistol.

[9] Eight fired cartridge casings, three fired bullets and at least one fired bullet fragment found at the scene were identified as having been fired from Serna's pistol.

right to left, back to front and downward. A gunshot wound was situated on the back of the left arm, 12 ¼ inches from the top of the shoulder and one inch left of the midline of the arm, in the direction of back to front. A gunshot wound was situated on the right lateral buttock in the direction of right to left, back to front and upward.[10] Post mortem laboratory analysis revealed the presence of methamphetamine in Serna's blood.

The investigation revealed that the firearm used by Serna was a Colt model 1911 Series 80, 45 auto caliber semiautomatic pistol, registered to Serna's [redacted], [redacted] told detectives that she purchased the pistol from Western Firearms, in the City of Bell, on May 31, 2012, at the request of Serna who gave her the money to buy it. Serna took the pistol from her shortly after the purchase. [redacted] stated that Serna accompanied her to Western Firearms on June 22, 2012 for the purpose of having the pistol cleaned and oiled. Video surveillance obtained from Western Firearms shows Serna entering the store on June 22, 2012 with [redacted] who was holding a blue box containing the pistol. [redacted] provided detectives with a receipt for cleaning on that date bearing the same serial number as the Colt pistol. [redacted] told detectives that Serna told her that he would shoot at the police if they attempted to arrest him because he did not want to go back to prison.[11]

**LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others it if reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight….The calculus of reasonableness must embody allowance for the fact that police officers are often forced

[10] It is undetermined whether the projectiles removed from Serna's body came from Venegas' or [redacted]s firearms.
[11] At the time of the shooting, Serna was on [redacted]

to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

**CONCLUSION**

The evidence examined in this investigation shows that Juan Serna shot several rounds at Deputy Venegas and [redacted]. In reasonable fear of death or great bodily injury to themselves and others, Venegas and [redacted] fired their weapons at Serna, striking him three times, fatally wounding him and ending the threat. We conclude that Deputy Venegas, as well as [redacted] acted lawfully in self-defense and defense of another. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By *Sandi Roth*

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c: Deputy Lucio Venegas #[redacted]